

ILLINOIS POLLUTION CONTROL BOARD  
January 29, 1976

ENVIRONMENTAL PROTECTION AGENCY, )  
Complainant, )  
)  
)  
v. ) PCB 75-188  
)  
)  
METAMORA INDUSTRIES, INC., )  
Respondent. )

Mr. Steven Watts, Assistant Attorney General, appeared on behalf of Complainant.

Mr. William Kelly, Kelly & Baner, appeared on behalf of Respondent.

OPINION AND ORDER OF THE BOARD (by Mr. Goodman):

On May 1, 1975, the Environmental Protection Agency (Agency) filed a Complaint against Respondent Metamora Industries, Inc. (Metamora). The Complaint alleges that from August 10, 1974, through the filing of the Complaint, Metamora operated its industrial facility in such a manner as to cause emission of excessive sound beyond the boundaries of its property thereby causing noise pollution, in violation of Rule 102 of the Noise Pollution Regulations (Chapter 8) and Section 24 of the Environmental Protection Act (Act). Metamora's facility is located in the Village of Metamora, Woodford County, Illinois.

Hearings on this matter were held on September 26, 1975, and December 17, 1975, at the Woodford County Courthouse, Eureka, Illinois. At the December 17 hearing, a Settlement Agreement representing the final agreement of the parties was entered into evidence.

The Industrial plant operated by Metamora in the Village of Metamora is a facility for the manufacture of metal parts and appliances. At the September 26, 1975, hearing, several homeowners residing near Metamora's facility testified that noise from the facility disturbed them (R 9,30), woke them up at night (R 9,21), forced them to keep their windows closed during hot summer days (R 39,40), and caused their house to shake (R 21). Noise surveys taken by the Agency on August 15, 1974, and October 23, 1974 (Com. Ex. No. 8 and 9), indicate that impulsive sound emitted from Metamora's facility exceeded the allowable db(A) sound level specified in Rule 206 of the Noise Pollution Regulations. Rule 206 provides that from any class C property-line-noise-source to any Class

A receiving land, the situation presented here, the allowable daytime db(A) impulsive sound level is 56. However, the Agency surveys conducted on Metamora yielded the following results:

	db(A)									
	<u>db(A) (Impulsive Sound)</u>									
August 15, 1974	68	58	61	63	57	55	70	60	53	59
	60	63	64	63	55	60	60	55		
October 23, 1974	62	70	65	61	62	58	60	58	57	57
	59	57	58	57	57	58				

The homeowners testified at the hearing, however, that, since the summer of 1975, the noise emitted from Metamora's facility has been greatly reduced (R 17,26,43). Furthermore, in the Settlement Agreement, the parties stipulate to several steps taken by Metamora since January of 1973 to reduce the sound levels emitted from its facility. These steps include relocating the loading dock, cleaning room, scrap tubs and paint booth, black topping the parking area, and other improvements. Two homeowners testified that they are no longer disturbed by noise from Metamora's plant (R 18,43).

The Board finds that from August 10, 1974, through the filing of this Complaint Metamora caused the emission of excessive sound beyond the boundaries of its industrial plant so as to unreasonably interfere with the enjoyment of life and lawful activities of persons residing in close proximity to said plant. Metamora thereby caused noise pollution in Illinois, in violation of Rule 102 of Chapter 8 and Section 24 of the Act. The parties have agreed that, if the Board finds a violation of the Act or Regulations, Metamora will pay a penalty of \$900.00 and will cease and desist from its violations. The Board accepts the Settlement Agreement submitted by the parties as an adequate plan of compliance and assesses the stipulated penalty of \$900.00.

This represents the findings of fact and conclusions of law of the Board in this matter.

ORDER

1. Respondent, Metamora Industries, Inc., is found to have caused noise pollution, in violation of Rule 102 of Chapter 8 and Section 24 of the Act.

2. Respondent, Metamora Industries, Inc., shall cease and desist from said violations.

3. Respondent, Metamora Industries, Inc., shall, within 30 days, pay a penalty of \$900.00 for the violations of Rule 102 of Chapter 8 and Section 24 of the Act found herein. Penalty payment by certified check or money order payable to the State of Illinois shall be made to: Fiscal Services Division, Illinois Environmental Protection Agency, 2200 Churchill Road, Springfield 62706.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 29<sup>th</sup> day of January, 1976 by a vote of 5-0.

  
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Christan L. Moffett, Clerk  
Illinois Pollution Control Board